

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION**

SAMUEL JOSEPH ORLANDO,)	
Plaintiff,)	Civil No. 5:22-cv-062
)	
v.)	
)	
SHERIFF DONALD SMITH, et al.,)	By: Michael F. Urbanski
Defendants.)	Chief United States District Judge

ORDER

On May 8, 2023, the court entered an order staying this action and denying without prejudice the motion to dismiss filed by defendants Brian Jenkins and Donald Smith, ECF No. 10, subject to refiling once the stay is lifted. Order, ECF No. 51. At that time, the court neglected to enter a similar order as regards the motion to dismiss counts 8, 11, and 12 filed by defendants RBN and BN. ECF No. 41. As counts 8, 11, and 12 are subject to the stay order entered on May 8, 2023, it is appropriate that the court also deny without prejudice the motion to dismiss counts 8, 11, and 12 filed by RBN and BN, subject to refiling once the stay is lifted.

Accordingly, it is **ORDERED** that the Motion to Dismiss filed by RBN and BN as to Counts 8, 11, and 12 of the Complaint, ECF No. 41, is **DENIED WITHOUT PREJUDICE**, subject to refiling once the stay is lifted.

It is so **ORDERED**.

ENTERED: May 15, 2023

A handwritten signature in blue ink, appearing to read 'M. Urbanski', with a long horizontal stroke extending to the right.

Digitally signed by Michael
F. Urbanski Chief U.S.
District Judge
Date: 2023.05.15 17:39:03
-04'00'

Michael F. Urbanski
Chief United States District Judge